

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32**

(South Lake Tahoe, CA)

**HEAVENLY VALLEY LIMITED PARTNERSHIP, A
NEVADA LIMITED PARTNERSHIP**

Employer

and

Case 32-RC-4578

**TEAMSTERS UNION LOCAL 533,
affiliated with INTERNATIONAL
BROTHERHOOD OF TEAMSTERS, AFL-CIO**

Petitioner

SUPPLEMENTAL DECISION AND DIRECTION OF ELECTION

Based upon an administrative investigation conducted after the issuance of the Decision and Direction of Election which issued in the above case on April 14, 1999, I have determined that at this time there will not be a representative complement of employees in the unit¹ for purposes of conducting a valid election. As it is the Board's policy to enfranchise the largest number of possible eligible voters, I have decided to order an election to be held at or near the next seasonal peak. The following will therefore supersede the Direction of Election which issued on April 14, 1999.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the Notice of Election to be issued subsequently, subject to the Board's Rules and Regulations.² Eligible to vote are those in the unit who are employed during the

¹ The bargaining unit is: All full-time and regular part-time employees employed by the Employer in the ski patrol department of the mountain operations division, including ski patrol I, II, ski patrol master, ski patrol-skier safety, nurse/medics, coordinator skier safety, coordinator snow safety, coordinator nurse/medics, excluding all other employees, guards, and supervisors as defined in the Act

There are approximately 65 employees in the bargaining unit.

² Please read the attached notice requiring that election notices be posted at least three (3) days prior to the election.

payroll period ending immediately preceding the date of the issuance of the Notice of Election at or about the approximate peak of seasonal employment, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States Government may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible to vote shall vote whether or not they desire to be represented by **TEAMSTERS UNION LOCAL 533, affiliated with INTERNATIONAL BROTHERHOOD OF TEAMSTERS, AFL-CIO.**

LIST OF VOTERS

In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties in the election should have access to a list of voters and their addresses which may be used to communicate with them. Excelsior Underwear, Inc., 156 NLRB 1236 (1966); NLRB v. Wyman-Gordon Company, 394 U.S. 759 (1969); North Macon Health Care 359 Facility, 315 NLRB 359, 361 fn. 17 (1994). Accordingly, it is hereby directed that within seven (7) days of the date of the issuance of the Notice of Election, two (2) copies of an election eligibility list containing the full names and addresses of all the eligible voters shall be filed by the Employer with the undersigned, who shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the NLRB Region 32 Regional Office, Oakland Federal Building, 1301 Clay Street, Suite 300N, Oakland, California 94612-5211, on or before the seventh day following the issuance of the Notice of Election. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Supplemental Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570. This request must be received by the Board in Washington by May 12, 1999.

Dated at Oakland, California this 28th day of April, 1999.

/s/ James S. Scott

James S. Scott, Regional Director
National Labor Relations Board
Region 32
1301 Clay Street, Suite 300N
Oakland, California 94612-5211

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